

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BURBACH AQUATICS, INC., as Successor)	
to David F. Burbach, d/b/a Burbach Municipal)	
& Civil Engineers,)	
)	
Plaintiff,)	
)	No. 08 CV 4061
v.)	Judge Dow
)	Magistrate Denlow
THE CITY OF ELGIN, ILLINOIS,)	
A Municipal Corporation,)	
)	
Defendant.)	

**PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR
ENLARGEMENT OF TIME TO ANSWER OR OTHERWISE PLEAD**

Plaintiff Burbach Aquatics, Inc., by and through its attorneys, in response to Defendant's Motion for Enlargement of Time to Answer or Otherwise Plead states as follows:

1. Plaintiff **does not object to defendant's request for enlargement of time to answer or otherwise plead**; however, the requested 30-days would cause defendant's response to be filed the same day as the initial status hearing in this case, previously set by the Court's August 12, 2008, Minute Order. Thus, the parties would not have adequate time to prepare the joint status report required by the Court's August 12, 2008, Minute Order.

2. In light of the September 18th status date, plaintiff offered to consent to a slightly shorter extension time in order to allow the parties sufficient time to prepare the joint status report, but defendant requires the full 30-day extension of time to respond to the Complaint.

3. Should the Court be inclined to grant defendant's motion for enlargement of time, plaintiff respectfully requests that the Court reschedule the previously set September 18th status

hearing date. In the alternative, plaintiff requests that the Court grant a slightly shorter extension of time.

WHEREFORE, the plaintiff, Burbach Aquatics, Inc., as successor to David F. Burbach, d/b/a Burbach Municipal & Civil Engineering, respectfully requests that should this Court enter an order granting defendant's motion for enlargement of time to answer or otherwise plead, that the Court also reset the September 18th status hearing.

Dated: August 20, 2008

BURBACH AQUATICS, INC.,
as successor to David F. Burbach, d/b/a Burbach
Municipal & Civil Engineers,
Plaintiff

By: /s/ Lisa M. Fontoura
One of its Attorneys

Fred E. Schulz (2516500)
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Attorneys for Plaintiff Burbach Aquatics, Inc.

* Application for admission *pro hac vice* pending

CERTIFICATE OF SERVICE

I, Lisa M. Fontoura, an attorney, state that I have caused to be served a copy of the foregoing document to all counsel of record via electronic case filing system (CM/ECF) as indicated below, from 225 West Wacker Drive, Chicago, Illinois, 60606, on this 20th day of August 2008:

James L. DeAno – jimdeano@deanoandscarry.com
Laura Lee Scarry – lscarry@deanoandscarry.com
Scott Bryan Dolezal – sdolezal@deanoandscarry.com
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/s/ Lisa M. Fontoura

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NOTICE OF FILING

TO: James L. DeAno
Scott B. Dolezal
Laura Lee Scarry
Patrick F. Moran
DeAno & Scarry, LLC
2100 Manchester Road, Suite A101
Wheaton, IL 60187

On August 20, 2008, the undersigned has caused to be filed with the Clerk of the Court for the United States District Court, Northern District of Illinois, 219 South Dearborn Street, Chicago, IL, *Plaintiff's Response to Defendant's Motion for Enlargement of Time to Answer or Otherwise Plead*, a copy of which is hereby served upon you.

Respectfully Submitted,

BURBACH AQUATICS, INC., as successor to
David F. Burbach, d/b/a Burbach Municipal & Civil
Engineers, Plaintiff

By: /s/ Lisa M. Fontoura
One of its Attorneys

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Attorneys for Plaintiff Burbach Aquatics, Inc.

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/s/ Lisa M. Fontoura